

The Asia Foundation

**Dispute Resolution through Village Development Councils and Municipalities
USAID Grant No. 367-G-00-03-00009-00**

**Semi-annual Progress Report
June 2003**

Summary of Program Activities:

- **Training restructured and VDC coverage reduced**
- **Training of Master Trainers**
- **Training materials developed**
- **Drafting of directives/procedures**
- **Steering Committee**
- **Donor Coordination Group**

Training restructured and VDC coverage reduced

The Institute of Governance and Development (IGD), the Foundation, and consultants Ed and Therese Miller completed planning for Master Trainers' (MT) training in April, including a review of candidate profiles, class size and layouts, and schedules. Two issues emerged during the planning as critical to the success of mediator training:

- Concerned that too many layers of trainers would deplete the quality of training, the Foundation and IGD agreed to eliminate the originally planned pool of district trainers. Instead, they decided that MTs would assume direct responsibility for training community mediators. This change required enlarging the pool of MTs through a second round of MT training. By the end of the two rounds of training, 62 MTs will be available to conduct community-level training in the 11 project districts. More than half of the MTs will be district-based, with others in backstopping roles in Kathmandu and regional locations.
- Given logistical and timing constraints without a pool of district-level trainers, the target VDCs were reduced from 20 percent to 10 percent per district. This geographic coverage was deemed logistically manageable, and sufficiently large to demonstrate the viability of mediation. A total of 62 VDCs and 12 municipalities will now be included in the 11 target districts.

Training of Master Trainers

Following restructuring of training as described above, IGD conducted the first round of MT training in Dhulikhel during April 28 - May 16, with consultants Ed and Therese Miller leading the course. Each partner NGO provided up to five candidates for training. The remainder were from key institutions such as the Local Development Training Academy and the Nepal Bar Association. The three-week course resulted in the preparation of three Nepali core trainers and 35 MTs.

Of the 35 trainees, 20 were men and 15 women; 18 law and 17 social science graduates; and 19 Brahmin/Chhetris, 13 minority castes/ethnicities, and three Newars. In addition to instruction on interest-based problem solving, training skills, and mediation skills, candidates were provided opportunities to practice those skills using case studies and simulated

situations. It is interesting to note that candidates with legal background were evaluated as having the steepest learning curve in applying their newly acquired mediation skills, while those from other professions performed better.

USAID Senior Democracy and Governance Advisor Ronald Glass, Asia Foundation representatives, and partner NGO representatives, attended the graduation ceremony on May 16. Certificates of completion were presented to the MTs, with the understanding that they would be certified only after being evaluated on their field performance in the coming months.

The second round of MT training for 27 candidates is scheduled for June 2-12, with earlier-trained core trainers and assistant trainers leading the course. Given the experience of the first round of MT training, candidates for the second round will be carefully selected to round out the professional, sociocultural, caste/ethnicity, and gender balance of the final pool of trained MTs.

Training materials developed

First and second drafts of training materials developed by IGD for the training of MTs and community mediators were further refined during and after MT training with Foundation technical support. By mid-June, these will be ready for use in district-level training. The final package of materials will now have three components, rather than two as planned earlier: 1) mediator's training workbook, 2) mediator's manual, and 3) trainer's guide with glossary.

Drafting of directives/procedures

IGD completed its drafting of legal materials that amend, clarify, and detail existing rules and regulations and simplify operational-level directives/procedures. An English version of these materials will be shared in June with a Foundation-convened consortium of donors and partners involved or interested in alternate dispute resolution. The Foundation obtained copies of all legal materials worked on by other agencies, circulated copies to NGOs and donors, and ensured the consideration of these materials in finalizing IGD's draft. The draft will be revised as necessary through engagement with the government and in coordination with donors and other organizations involved with this issue, after which IGD will begin advocacy to enact an agreed set of rules and regulations.

Steering Committee

The project steering committee constituted and chaired by the Foundation has held three additional meetings. As the time to commence district-level activities nears (tentatively June 15), these meetings have increasingly focused on three topics:

- completion of MT training and assignment of MTs;
- mediators' training in the districts, including discussion of unit costs for training and administration per VDC/District/Municipality and NGO coordination costs, selection of VDCs and mediators, and liaison with VDC/District/Municipality officials; and
- orientation on mediation for VDC/District/Municipality officials, including timing, selection criteria, and providers.

Costs for MT training and district-level orientation to VDC/District/Municipality officials will be supported through Foundation grants to IGD. Costs for district-level training of

mediators will be negotiated and supported through separate Foundation subgrant agreements with the five partner NGOs. This process will be completed with the signing of letters of agreement in early June.

Future Activities:

Meeting of Donor Coordination Group

The Foundation will host meetings for the Donor Coordination Group in June and July to: 1) discuss findings of DFID's assessment of its mediation program, and 2) present and discuss IGD's final draft of the legal materials that amend, clarify, and detail existing rules and regulations and simplify operational-level directives/ procedures. Copies of the final draft will be circulated prior to the meeting.

Training of mediators

Following the signing of subgrant agreements with the Foundation, partner NGOs will begin training of mediators in mid-June, with each training cycle involving a six-day workshop for 18 candidates per VDC/Municipality. A total of 1,387 mediators will be trained by October. The training will be coordinated at the district level by each of the partner NGOs, who will typically have a team of one lead trainer, two assisting trainers, and one coordinating trainer. The district assignments for partner NGOs are as follows:

- Center for Legal Research and Resource Development (CeLRRd): Banke, Chitwan, and Nawalparasi (17 VDCs, 2 Municipalities);
- Forum for Protection of Public Interest (ProPublic): Dhanusha and Sarlahi (20 VDCs, 2 Municipalities);
- Institute for Governance and Development (IGD): Dhading, Mustang, and Tanahu (12 VDCs, 4 Municipalities);
- Rural Women's Unity and Development Center (RUWDUC): Dadeldhura (4 VDCs, 1 Municipalities); and
- Service to Underprivileged Section of Society (SUSS): Dhankuta and Kaski (9 VDCs, 3 Municipalities).

In addition to participation in selection and training of MTs, selection and training of mediators in assigned districts, and backstopping of actual mediation in assigned districts, partner NGOs will closely coordinate with and assist IGD in initiating contact, and selecting and providing orientation on mediation to VDC and Municipality officials.

Orientation of VDC/District/Municipality officials

IGD will be responsible for orientation on mediation for local government officials in all project districts. This will keep the district-level implementation focused on training for mediation, which is distinct from orientation for public officials. District partners, however, will closely coordinate with IGD in working with VDC/District/ Municipality officials.

The orientation will be conducted in concert with, but separately from, mediator training in each district. This will ensure that local government officials have the opportunity to observe relevant components of mediation training, such as role plays, as part of their orientation.

Approximately 25 VDC/District/Municipality officials will attend each three-day orientation workshop. Three such workshops will result in a total of 75 officials orientated on mediation.

Challenges:

Engaging local government in the absence of local elected bodies

As with other local-level projects, the dissolution of local elected bodies since last year poses special challenges for engaging local government in the training of mediators, and in conducting the actual mediation process. Of immediate concern is the training of mediators and orientation of VDC/District/Municipality officials due to commence in mid-June. To help ensure effectiveness, the Foundation and IGD will closely coordinate with central and local offices of the Ministry of Local Development, the Association of DDCs in Nepal, the Municipality Association of Nepal, and the National Association of VDCs.

Of future concern is the actual conduct of mediation in the project districts, following training of mediators. This is planned to begin in early November, immediately after the Dasain and Tihar holidays. The status of local government, the frequent turnover of Chief District Officers and Local Development Officers, and uncertainty concerning the Maoist insurgency are all potential constraints.